



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

Clerk of the Board of Supervisors

105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning &
Development
Department No.: 053
For Agenda Of: October 10, 2017
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Glenn Russell, Ph.D., Director (568-2085)
Director: Planning & Development

Contact Info: Peter Cattle, Deputy Director, Energy & Minerals Division
(568-2519), Planning & Development

SUBJECT: Delegation of Authority to Department Director to Enter Into a Memorandum of Understanding Establishing a Joint Review Panel To Guide Environmental Analysis of the Plains Pipeline Permit Application, 1st, 3rd, and 5th Supervisorial Districts

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: No

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Delegate authority to the Director of Planning and Development, or his/her designee, to enter into a Memorandum of Understanding ("MOU") establishing a Joint Review Panel (JRP) with participating government agencies having permit jurisdiction to have coordinated California Environmental Quality Act (CEQA) review of the Plains Pipeline Line 901 and Line 903 Replacement Project ("Project") application, and enabling these agencies to share records, consistent with Government Code Section 6254.5(e) and other relevant law.
- b) Determine that this action is not a project pursuant to CEQA Guidelines Section 15378(b)(5), because it is an organizational or administrative activity of the government that will not result in direct or indirect physical changes to the environment. The recommended Notice of Exemption is included as Attachment 1.

Summary Text:

The purpose of this request is to ensure the County can efficiently enter into an MOU for environmental review of the recently submitted Plains Pipeline application. The MOU would provide a framework for cooperation

between the participating federal, state and local jurisdictions having authority over the Project. The California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) encourage cooperation between federal, state and local agencies. (See 40 C.F.R. § 1506.2 and CEQA guidelines sections 15222 and 15226). The JRP will help avoid duplication in staff efforts, provide for the sharing of records consistent with Government Code Section 6254.5(e) and other law, promote intergovernmental coordination, and serve the public interest by producing a more efficient environmental review process. Delegation of JRP establishment to the Director pursuant to a MOU will streamline the environmental review process by allowing staff to convene the JRP and send out Requests for Proposals for preparation of the EIR for the Board's consideration. The Board will retain authority over the contract for the preparation of the EIR for the project.

The delegation to the Director of P&D has safeguards within the environmental review and permitting process sufficient to ensure public accountability. The permitting and environmental review process that Plains has entered is, by design, a very public process, one that offers multiple opportunities for public participation, scrutiny and oversight, including, but not limited to:

- The EIR/S contract must come to the Board for approval (also requires Risk Management, Auditor-Controller, and County Counsel concurrence)
- The EIR/S development process encourages public participation and accountability, including hearings for notice of preparation and review of the public draft EIR upon publication.
- The Project permit is subject to review and approval by County decision-makers in an open public process.

The Director of Planning and Development will report back to the Board regarding the MOU when the Project's EIR contract is brought for consideration and approval. Further, the MOU will be structured to include a provision that allows the County to withdraw from the MOU at any time and for any reason, as previous JRP MOU's have allowed.

Background:

Plains Pipeline, L.P. (Plains) has applied to Santa Barbara County and other agencies to install a new, smaller-diameter steel pipeline system to replace the existing, non-operational Lines 901 and 903. The linear footprint of the proposed pipeline will cross federal, state and local jurisdictions having discretionary permit authority, including Santa Barbara County. From past experience with similar multi-jurisdictional projects, a comprehensive environmental analysis addressing both California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) requirements, and guided by a carefully selected JRP, will facilitate the consideration and processing of such discretionary permits. This will be accomplished by ensuring that the resultant environmental review document is sufficiently scoped and completed to support participating agencies' decision-making needs. Santa Barbara County will chair the JRP and act as lead agency under CEQA. The lead NEPA agency will be Bureau of Land Management or US Forest Service (yet to be determined). Additional participating agencies will include San Luis Obispo County and Kern County.

Fiscal and Facilities Impacts:

All costs for this project are fully reimbursed by the project applicant. Funding for this project is budgeted in the Permitting Budget Program on page D-286 of the Department's FY 2017-18 budget.

Attachments:

1. CEQA Notice of Exemption

Authored by: Peter Cantle, Deputy Director, Energy & Minerals Division

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